

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKE *et al.*

Appl. No. 10/685,802

For: **Dry Powder Cell and Cell Culture
Reagents and Methods of
Production Thereof**

Confirmation No.: 5140

Art Unit: 1655

Examiner: Flood, M. C.

Atty. Docket: IVGN 174.3 DIV
(formerly 0942.4290008/RWE/FRC)

Reply to Election of Species Requirement

Mail Stop: Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 3, 2006, requesting an election of a single species of one of the ingredients recited in claim 93 and claim 102, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, Applicants hereby elect the following species:

- Ingredient: IGF-1 (as recited in claim 93). Claims 2, 11-14, 92-93 and 97-108 read on the elected species of the ingredient.
- Cell: a CHO cell (as recited in claim 102). Claims 2, 11-14, 92-93 and 97-98, 102-108 read on the elected species of a cell.

These elections are made without traverse. However, Applicants respectfully remind the Examiner that, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of the allowed generic claim.

Discussion with the Examiner

The Examiner's courtesy extended Applicants' representative in a telephone conversation on November 21, 2006 is acknowledged and gratefully appreciated.

Applicants' representative, Doug Golightly, inquired whether the species election could be conducted over the phone. The Examiner, Michele Flood, indicated that the election must be in writing.

Conclusion

It is not believed that extensions of time are required beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, The United States Patent and Trademark Office is hereby authorized to charge any fee deficiency required to prevent abandonment of the current application or credit any overpayment to Deposit Account 503994.

Applicants believe that a full and complete Reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

/Douglas A. Golightly/
Douglas A. Golightly
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240-379-4686

Date: November 27, 2006